

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Charles McCoy,

Plaintiff,

v.

Case No. 2:07cv230

Kenneth W. Oswalt,

Judge Michael H. Watson

Defendant.

OPINION AND ORDER

Before the Court is Magistrate Judge Kemp's March 22, 2007 Report and Recommendation (hereinafter "Report") (Doc. 6). Plaintiff Charles McCoy (hereinafter "Plaintiff") filed Objections to the Report on March 29, 2007 (Doc. 10).¹

Plaintiff filed this action against Defendant Kenneth W. Oswalt, a prosecuting attorney from Licking County, Ohio. The Complaint was before Magistrate Judge Kemp to conduct an initial screening pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A.

In the Report, Magistrate Judge Kemp recommends Plaintiff's Complaint be dismissed for failure to state a claim and because it is frivolous within the meaning of the aforementioned statutory sections.

Plaintiff objects to the recommendation of Magistrate Judge Kemp. Plaintiff contends the use of a court ordered psychiatric report is prohibited as ammunition against a defendant in open court. Plaintiff contends there are state and federal laws

¹ Plaintiff titles his memorandum "Motion to Amend Complaint and Relief." However, in the body of the memorandum, he states he is "respectfully objecting to the dismissal of this action." Accordingly, the Court construes Plaintiff's memorandum as objections to the Magistrate's Report and not a Motion to Amend.


which prohibit these actions. Moreover, Plaintiff alleges Defendant did interfere with his civil rights as he relayed false information with respect to Plaintiff's claim for excessive force against Heath police officers.

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991).

Upon *de novo* review, the Court concludes Plaintiff's Complaint should be dismissed for failure to state a claim and because it is frivolous. Plaintiff sets forth general objections to the Report, failing to set forth specific objections as to alleged errors in the Report's analysis or conclusions.

Accordingly, the March 29, 2007 Objections of Plaintiff (Doc. 10) are hereby **DENIED** and the March 22, 2007 Report and Recommendation of Magistrate Judge Kemp (Doc. 8) is hereby **ADOPTED**. This matter is hereby **DISMISSED**.

IT IS SO ORDERED.



Michael H. Watson, Judge
United States District Court